

# The Advocacy Brief

## A Guide for Social Workers

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*L'intercession est une activité secondaire de la pratique et de l'enseignement du service social qui pourrait être mieux comprise et mieux utilisée. Le présent article décrit une méthode d'intercession que les travailleurs sociaux peuvent employer devant des organismes d'enquête tels que les Commissions royales. Il décrit les divers éléments de cette méthode, soit l'établissement de l'objectif central du groupe cherchant à faire entendre son point de vue, les recherches nécessaires, la préparation du mémoire et sa présentation orale. Il conclut que les travailleurs sociaux ont la responsabilité morale de participer aux débats publics puisque le travail social touche les individus, les familles, le marché du travail et l'état. Comme leur formation couvre les relations interpersonnelles et l'élaboration des politiques sociales, les travailleurs sociaux sont tout désignés pour utiliser l'intercession au nom des groupes de citoyens, des mouvements de gens démunis et des couches de la société qui ne sont pas en mesure de défendre leur cause.*

### Introduction

Advocacy is a marginal activity of social workers despite recurring economic recessions, a major retrenchment of the welfare state during the 1980s and an ethical commitment by the profession to advocate on behalf of clients. In the social work literature, conceptual, pedagogical, empirical and practice arguments have been advanced to explain why private troubles have not become public issues more frequently.

This article summarizes those issues and provides guidance to social workers wishing to develop competence in advocacy. Specifically, we outline how to prepare and present an argumentative brief. A brief, or position paper, is a knowledge-based argument in favour of an explicit position. The royal commission hearing is chosen to illustrate advocacy in a practice context in this

article. It is an example of the opportunity available to ordinary citizens and interest groups in Canada to influence public policy development. However, advice designed for this context is also applicable to presentations before municipal councils, agency boards of directors, and social work administrators.

### Advocacy in Context

Advocacy is one of the activities that may distinguish social work from other helping professions. Considerable confusion exists about what it is (Sosin and Caulum, 1983). Some view advocacy from an individual perspective and see it occurring only within the context of a particular case (Compton and Galaway, 1989). Others see advocacy principally occurring on behalf of a class of aggrieved persons or as a cause (Dear and Patti, 1981). In this respect, Bull (1989) describes a continuum of advocacy work from case to cause.

Others see advocacy as the very soul of social work, and exhort social workers to join the poor to fight the institutions of capitalism and oppression (Piven and Cloward, 1975). Advocacy is sometimes viewed as practically synonymous with social work roles such as supporter, advisor, champion, and representative (Sosin and Caulum, 1983). Terms such as advice, brokerage, mediation, and negotiation are often used interchangeably with advocacy (Bull, 1989).

Controversy exists about the role of conflict in social work advocacy. Is it a necessary part of the work or should it be minimized? This raises the question of the proper paradigm for social work thought and action. Should it continue to be based on a liberal-reformist perspective or should it become social-democratic or Marxist? (Mullaly, 1993; Leonard, 1975). The wide range of definitions of advocacy led one writer to describe it as a "conceptual disaster area" (O'Brien et al., 1989).

Some argue that social action and social reform are not emphasized in the social work curriculum. This may contribute to the lack of emphasis on social advocacy in the profession. Several possible reasons are suggested. First, "social workers are being trained to acquiesce to the authority of others" by professional schools in order to prepare them to submit to the bureaucratic authority of employers (Piven and Cloward, 1975). Second, political content in courses is minimal, which reflects a bias in social work schools toward direct service methods of intervention. Third, the tendency toward functional specificity in social work and specialization within a problem area creates a problem-solving arena "in which both problems and solutions are viewed as technical in nature rather than structural or political" (Haynes and Mickelson, 1986). Fourth, in the United States, graduate students and educators at 51 schools of social work did not view the initiation of social change as a primary function of the social work profession. No studies providing comparable information on Canadian social work could be found.

Empirically, little is known about styles and strategies of advocacy, and nothing is known about effective methods. "No empirical studies of social work advocates have been published ... Instead, the literature is confined to exhortations pro and con and to descriptive case studies." (Epstein, 1981). Haynes and Mickelson have conceptualized three advocacy roles for social workers:

- the citizen social worker where the social worker, functioning as a member of the community, uses acquired professional knowledge "to inform the larger society of needed programs and policies";
- the agent of social change in which desired social goals are obtained by working within agency and community structures using a model of purposeful



change; and

- the actionist, in which the social worker, through the use of social, political and economic pressure, and the active organization of client groups, works to make beneficial social changes.

Implied within each of these roles are conceptions of social life. Thus society is viewed as inherently consensual and oriented towards the maintenance of law and order by the citizen social worker and agent of social change. It is seen as structurally unequal and conflictual by the actionist.

The citizen social worker, the oldest of the three models, is the one which most social workers embrace. Haynes and Mickelson argue that the second, when performed by a direct service practitioner, is often termed internal advocacy. When its activities are directed outside the agency setting, it is described as external advocacy and is usually performed by an administrator. More than 50% of administrators devote five or more hours per week to job-related advocacy activities (Ezell, 1991). The third role, the actionist, began to appear in the 1960s as social workers, acting in concert with a variety of community groups and social movements, began to redress the imbalance of power and resources in society.

Bull (1989) argues that "advocacy is easier to practise than it is to define or justify." However, with neither conceptual clarity nor pedagogical emphasis, advocacy becomes difficult to practise. This article addresses the lack of pedagogical emphasis on advocacy in the social work practice literature. We assume that the presentation of a research-based argument to a public forum is part of social work's ethical responsibility to advocate for social justice, and we provide guidance in the practice of advocacy to Canadian social workers, using the royal commission hearing as an example.

We assume that an oral presentation to an investigative commission is possible. If this is not so, material related to the oral presentation and verbal defence should be ignored. This paper grew from the authors' reflections after presentations before numerous royal commissions, parliamentary committees, legislative task forces, and municipal hearings and meetings.

## Nine Steps to Effective Advocacy Before a Royal Commission

### Step One: Analyze the Commission

Learn as much as possible about the commission before beginning to write the brief or research the topic. The seven principal questions to be answered are:

- Who are the commission's members?
- What is its mandate?
- What is its deadline for submitting its findings?
- Who is permitted to make a presentation?
- What form must the presentation take?
- What amount of time is allotted to each presentation?
- What are the reasons (often implicit) for the establishment of the commission?

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### *Social workers have a responsibility to enter public debates in areas of professional expertise.*

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This information is critical in order to understand the political, historical, and ideological context in which the commission is functioning, to determine the basic orientation (or political tack) of the brief, and to anticipate likely questions.

Study the political leanings, work affiliations, and interests of the commission's members. Determine the religion, social class, ethnicity and family background as these can be important influences on social policy attitudes. This information is often available in the media, or from directories of public officials found in libraries.

Knowing how much time will be allotted is crucial to planning the length and scope of the presentation, but time can be drastically reduced at a moment's notice. Be prepared with an executive summary of the brief containing the major arguments and key points, which could be delivered in a condensed time frame.

In examining the political context, three motives exist for public commissions and their derivatives in Canada.

### The "Quick and Dirty" Consultation

This type of consultation functions when government policy has been drafted and possibly announced. Its purpose is to determine the level of public support and opposition to a planned initiative. A government will use its supporters' arguments to counter the opposition, and may modify proposals to increase their public acceptance. This consultation usually functions on a short time frame.

### The "Letting off Steam" Consultation

A vociferous national, provincial or local debate is under way during this type of consultation. Political leaders believe the public needs more opportunity to have input. More debate will help diffuse the issue and reduce political tensions. Following this, a consensus may be found. A medium term deadline (one or two years) is usual.

### The "Study it to Death" Consultation

The creation of policy in a new area or a major change to existing policy is being contemplated. There appear to be no preconceived ideas about policy goals. The commission's mandate is broad, research resources considerable, deadline distant. It aims to produce a thorough study of a policy problem with a wealth of recommendations. This type may effectively bury an issue because government refuses to act until it has received the commission's report. It may also be an opportunity to contribute new ideas and information to the development of policy initiatives.

For example, the Aboriginal Justice Inquiry in Manitoba (1988) focused on the deaths of J.J. Harper and of Helen Betty Osborne but was broadened to include all relevant aboriginal justice issues.

The motives behind the creation of a commission may combine elements from more than one type. Trying to determine which motives are at play in a particular commission is an important judgment to make, and is necessary before the basic orientation of the presentation is decided.

### Step Two: Identify the Basic Orientation and Argument

Unlike the research paper, provides a balanced discussion of the subject, the argumentative brief takes a value position on a contentious issue. It



rejects a neutral, balanced, dispassionate approach in favour of a partisan one (Gouldner, 1973). It is clear about what it opposes and firm about what it wants to see. However, the position paper is more than an act of brain-storming. In its content and substance, it requires the disciplined research and meticulous investigation found in the research paper. It is a knowledge-based argument in favour of an explicit position. The knowledge base can include research studies, legal precedents, statistics, citizens' views, direct personal experience, philosophical arguments and case histories.

Identifying and developing the basic argument is the next step in planning the brief. To accomplish this, a small group of like-minded people, an informal setting, an unstructured agenda, plenty of time and a mood of relaxed creativity are all required.

- List all the ideas, arguments, facts, examples, problems and recommendations that express the views of the group relative to the commission's terms of reference.
- Record all the ideas.
- Remember the basic brain-storming rule that no criticism is permitted until all ideas are recorded.
- Undertake a critical and systematic review of the ideas.
- Group ideas that fit together.
- Discuss the significance of each, and identify six or eight major themes where the presenting group has passionate convictions, and compelling data and evidence are possessed by the group with which to build a strong argument.
- After listing these themes, summarize them in one or two sentences. This summary becomes the basic argument or position.

### Step Three: Determine the Basic Strategy of the Presentation

There are many choices about how to address a commission and what to say, but a basic strategy must be decided first. Compare the data gathered in Step One about the commission and its members with the group's articulated position established in Step Two. Speculate about the effect of the group's argument on the commission's members and try to anticipate their most likely responses.

Will the commissioners be sympathetic and interested, or hostile and opposed to the group's position? Will they be united or divided in their response to the presenters' arguments? A

different basic strategy is suggested by each of these situations.

Next, consider the group's goal for the presentation. Is it to arouse the commission's interest in the group's viewpoint, to argue for change in a neglected area, or to expose a contradiction between the commission's participative process and preconceived viewpoints by the commissioners?

What might prevent the commission from accepting the group's point of view? In other words, what is the obstacle to change? Is it a lack of information? If the commission had the information the group possesses would it adopt the group's position readily? Is it a question of apathy? Will the commissioners be disinterested in, or resistant to, the group's arguments? Finally, is it a question of clear-cut disagreement in which the group and the commission represent irreconcilable views on the issue at hand? (See Table I)

#### Issue Agreement

If the commission is likely to be in full agreement with the group's position, a collaborative strategy is suggested. The presenter, as change agent, encourages the commission to adopt its point of view through the 'enabling' provision of information. For example, if budget concerns are the force driving program cuts, show a way to save programs without increasing funding. "You can save the libraries from falling victim to budget cuts, and save money as well, if you do this..."

This tactic can reveal whether the commission is primarily concerned with cutting costs or whether its hidden agenda is to cut the service and the costs are just the excuse to do this.

#### Issue Difference

Differences between the group's and the commission's position suggest that a persuasive campaign is needed. In this approach, commissioners are aroused

from their apathy, their objections are neutralized (or diverted) and they are converted to the group's viewpoint through a passionate and compelling presentation of arguments and facts.

For example, you may take the higher moral ground. "Your failure to insure the children of Canada against a lifetime of poverty places the nation's future in jeopardy, increases the cost of health for years to come and effectively closes the nation's eyes to its moral responsibilities toward its children."

Placing government action (or inaction) in a moral context is hard to reject or dismiss. It forces the commission to declare itself on the issue of child poverty and the nation's future, as well as to distance itself from a position of indifference. It is forced to reveal its true motives and therefore to lose the high ground. This leads to the next position.

#### Issue Dissensus

In a situation of clearly irreconcilable conflict between the group and the commission's members, a contest strategy is required. The presentation, therefore, becomes an opportunity to convince the media and the public of the group's position. By utilizing the attendant media and public opinion, further pressure can be applied to the commission to accept the group's point of view.

For example, the commission's hidden agenda or true moral position having been previously exposed, the speech directly attacks the commission in public. "Your disregard for child poverty across the nation shows that your major concern in holding these hearings is to increase corporate profits at the expense of the physical, social and economic wellbeing of the nation's future — its children."

At this point, the contradictions of the commission's work may become explicit. The commission runs the risk of losing credibility. It must therefore make

Table I. Planning a Change Strategy\*

Obstacle to Change	Situation	Strategy	Role of Change Agent
1. Lack of knowledge, information	Issue Agreement	Collaborative	Enabler
2. Apathy, opposition	Issue Difference	Campaign	Persuader
3. Clear disagreement, power imbalance	Issue Dissensus	Contest	Contestant

\* Derived from: Roland Warren, 'Types of Purposive Social Change at the Community Level'. *Truth, Love and Social Change*, Chicago, Rand McNally, 1971, p. 7-34



a choice between three possibilities:

- delay ("This subject needs more study"),
- clarification ("Yes, we acknowledge the validity of your point and will make changes"),
- loss of legitimacy (public interest and participation wanes).

Now that the commission has been analyzed, the group's position clearly identified and the basic arguments and strategy determined, it is time for research.

#### **Step Four: Research the Topic**

Thorough research is the foundation of a solid argument. The work done at this stage is no different from any other form of research. The collection of facts, tables, charts, statements, cases, examples and precedents is the central task. The better-researched the position, the more powerful and effective the argument will be. The material gathered will be more than the final brief. However, much of it will become appendices in support of the brief's main arguments. It will be indispensable in the possible oral examination, or in response to a commissioner's inquiry regarding the soundness of the group's position and knowledge of the problem.

#### **Step Five: Write the Brief**

Having studied the commission's history, identified the group's basic arguments and strategy, established the presentation date and researched the topic thoroughly, it is now time to begin writing.

When the first written draft of the brief is completed, review it against the criteria below.

#### **Criteria of an Effectively Written Brief**

##### **The topic is clearly stated**

The title or terms of reference of a public inquiry lend themselves to a wide variety of topics in relation to a theme. For example: The Royal Commission on the Economic Union and Development Prospects for Canada (The MacDonald Commission). While the title of a royal commission may be vague, the topic chosen for the brief should be clear and unambiguous.

##### **The position taken is clearly stated**

The brief states a point of view on some contentious issue. It is partisan and aims to engage its listeners on one side of a

debate. The point of view must be clear to influence decision makers to adopt the advocated position.

##### **The title reflects the topic and position**

The title should be short, snappy, and to the point. It should identify the topic, area and position. Commissioners need to know where you stand. To influence a commission be direct. For example, your title might be:

- Brief Opposing the Construction of a City Centre Freeway
- Citizen's Coalition Brief Supporting the Establishment of a Native-Controlled Child Welfare Agency
- Corporate Citizens Committee Brief Demanding the Repeal of the Industrial Pollution Act.

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*... a good brief presented effectively can be an important lever to influence the development of social policy.*

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##### **The person or group is clearly identified**

The individual or group speaking constitutes an important piece of information for commissioners. This is particularly true if they are elected officials who think about re-election. A person speaking as an individual can have a significant impact if well-known to the commission. For example, when Pierre Trudeau addressed a parliamentary committee on the Canadian constitution as a private citizen, his views were given considerable coverage and attention because he was also the Prime Minister of Canada when the constitution was being patriated.

A citizen social worker can achieve some of the same effect by clearly describing expertise and interest in the issue under study. Sometimes individuals can have a significant influence on a public inquiry due to public sympathy for the common person or underdog. That is, their statement to the commission resonates with the public's sympathies, and through the intermediary role of the mass media they catapult from "modest unknown citizen"

into "fifteen minute celebrity". One such example of this sympathetic effect is the woman who called former Minister Mulroney a liar because he abandoned the "sacred trust" of the social programs. She was shown on the evening television news and reached the whole nation with her comments.

The speaker representing a group or organization would probably command more attention because of the politician's response to organized lobbies, and the potential of the organization to become one. Therefore, the organization's aims, membership size, history of accomplishments relative to the topic, and reason for interest in the commission's assignment should be described briefly. For example, a speaker might begin: "I am president of the Association ABC which has been in continuous operation in this province since 18xx. We have centres in the following communities ... and each year serve yy million people. We employ z people of whom 45% are professional 15% volunteers and the remainder college-trained support staff. More than 50% of our clients are children of our interest in the welfare of the community we are here to present our views to you today."

This identifies the group's mandate, and by implication, the size of the potential vote represented by the group. It allows political appointees to gauge the potential impact of their decisions at election time.

##### **The problem statement is clear and fits the time available.**

This section is the core of the presentation. It requires the case examples, arguments, facts, figures, charts, tables prepared during the research and brain-storming phases. The problem must be restated and the topic developed to the position found in the title. A brief history and interpretation of the problem should follow. This will include a summary of the evolution of the problem, thinking on the subject. It will demonstrate how the problem affects the group, its membership, its clientele or community as a whole. The commission will be more likely to take note if the problem has a great effect on the community.

For example, a speaker might strengthen the statement of the problem by saying "The smoke from the chimney of



Heavyready Battery Factory is spoiling the neighbourhood's garden parties..." is less effective in gaining support than the statement: "The smoke coming from the chimney of the Heavyready Battery Factory contains lead. It is affecting the health of the entire community. It is poisoning the atmosphere downwind and it is also a flagrant violation of pollution laws that the government passed X years ago."

Some thought must be given to forcing the commissioners to take the brief seriously. If a national or provincial commission is being addressed, it is likely the commissioners have been travelling extensively. In such a case, commissioners are separated from their homes and families, are living out of suitcases, and listen, day after day, to long-winded, repetitious speakers. To persuade them of the wisdom of the group's position, a speaker must keep them awake, alert, and involved in the presentation. One way to accomplish this is through a clearly organized brief.

#### *The brief is carefully organized*

The text of the brief should be a summary of the arguments and research, organized to emphasize a limited number of key points. Three major points are ideal. Four should be regarded as maximum (Spicer, 1984; Toastmasters International, 1988). If the three or four points do not cover the list which the group has identified, a second brief should be prepared with a second presenter to present it. Listeners have a limited capacity to absorb new information. A commission of inquiry will already have listened to a large number of delegations in a short time period. Organization of the material, therefore, is crucial. The major points chosen for presentation should be carefully planned. Surplus information should be placed in appendices to support the major points of the written brief.

The major points of the presentation should be stated at the beginning, developed in the body, and restated at the conclusion. This will ensure that they are remembered. For example, "We argue that the lack of child care facilities for single parent shift-workers is leaving children at risk. Women cannot escape poverty without 24 hour facilities, and it is cheaper to provide facilities than it is to keep women on welfare or place their children in foster homes."

#### *The recommendations are specific and clear*

Public officials are more interested in solutions than the analysis of problems. "We know it's a problem, what can be done about it?" is the frequent refrain. It is important to give careful thought to recommendations since most attention will focus on them. This is particularly true if the commission is sympathetic to your position. Recommendations should be specific, concrete and unambiguous. Give specific and clear recommendations, such as: "We recommend, effective immediately, a moratorium on the adoption of all native children into non-native households. We also recommend that a task force be established by the minister with 75% native representation, by September 1, 19xx, with a one-year time limit to

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### *Thorough research is the foundation of a solid argument.*

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*report to the minister on specific legislative proposals aimed at preventing native children coming into the care of the ministry."*

The usual themes of the question period are the feasibility, cost, benefit, and impact of the recommendations. This time is crucial to influence the "undecided" commissioners to adopt the group's point of view. The presentation should allow time for questions. If the question period is clearly separate, use all the time allotted for the presentation.

#### *Step 6: Prepare the Oral Presentation*

An oral presentation and a written brief are complementary yet different approaches used to influence an audience. An oral presentation must win the attention of listeners (the commissioners, the gallery, and the media), and keep them involved. To accomplish this, begin by reviewing the best speeches you have heard. What is memorable about them? What made them successful? What inspiration do they provide for the oral presentation?

To make the presentation more interesting, originality and creativity are essential. The group may wish to state the problem in a more visual form with the use of a symbol. For example, some anti-poverty organizations present stacks of poverty reports to show how poverty has been studied without follow-up action. Vivid case examples through which a presenter tells a story linking a private trouble to the public issue under study is another approach. The point is to involve the listeners and engage them empathically.

Nervousness during the presentation of a brief can lead many presenters to read the text. It is more effective to put the brief into point form and have the group's best speaker deliver it. It may be necessary to read parts of more technical and detailed briefs. However, more conviction about the topic will be conveyed by speaking directly to the commissioners — staring them in the eyes — rather than burying oneself in the text. Audiences are influenced as much by the body language and voice of the presenter as by the content of the speech. During the oral presentation, presenters may set up some questions for response during the question period. The question can be posed indicating that insufficient time has been given to elaborate on the point. The group then invites further discussion (or information) during question period.

#### *Step 7: Prepare the verbal defence*

Interpret the question period as an opportunity to elaborate upon the major points and recommendations of the brief with supporting data from the appendices.

When a question is posed, first determine within which point or recommendation the question best fits, and respond by introducing the relevant supporting information that has been collected but not fully developed in the oral presentation.

If a question posed is confusing or unclear, ask that it be restated. The questioner will either clarify, or change the question. This will give the presenter and group advisers time to consider the appropriate answer rather than panic and say something that will be regretted.

When the question has no answer, or the presenter does not have the answer, it is better to say so rather than bluffing or taking an argumentative



position. When the question is out of order, irrelevant, outside the terms of reference, or just a red herring, the presenter should point this out.

If the question pertains to funding, several responses are possible. Some examples are "We know the consequences of not finding the funds to implement our recommendations. We see X, Y, and Z occurring." This turns the budgetary task back to the commissioner. "If I were an elected official, I would find the money for this worthy cause." This lays the door open to an electoral challenge to the incumbent of the riding. "Your party was elected to office because of your commitment to... Our purpose today is to remind you of those commitments — not to do the work of elected officials!"

If the question appears trivial, vexatious or irrelevant, a useful political technique is simply to rephrase it to one you prefer, which will drive home one of your major points. To the question, "What is your plan going to cost City Hall...?" the response can be: "It seems to me, you are really asking what will be the cost to this community if this program is not funded? I see those costs as being A, B, C."

To prepare for the question period, anticipate all the questions that might be asked in relation to the brief. Carefully plan a response to each anticipated question. If weaknesses in the brief become evident, gather more data or rewrite the pertinent sections to strengthen the brief as needed.

#### Step 8: Make sufficient copies of the brief

Find out how large the commission panel is and ensure that there is a copy for each commissioner. Make extra copies to give to the media and interested individuals. The presentation's impact can be broadened dramatically if the media can concentrate on the presentation's central themes. The copy becomes a resource for technical information and details. Members of the commission can refer to their copy as the presentation proceeds, and check references, appendices, and charts as presented.

#### Step 9: Test the presentation before a simulated royal commission

Rehearse the presentation, perhaps to other members of the group not directly

involved in preparing the brief, to community volunteers, or to students in a social work class. Ensure that your audience is sufficiently briefed to play an active role. Be sure the presenter is asked tough questions during the question period. Revise the brief and improve the presentation based on feedback from this simulated commission.

#### Conclusion

Social workers have a responsibility to enter public debates in areas of professional expertise. This expertise includes knowledge of the private sphere of the individual and family as well as its relationship to the public sphere of the labour market and the state. The quality of social policy debate will be enhanced when social workers depart from their traditional sphere of private expertise and enter the public realm of political debate more frequently.

A brief based on clear goals, solid research and well articulated arguments is one way to contribute to such debate. However thorough the research, organization and argument, it cannot guarantee a change in commissioners' minds. Therefore, the commission panel should not be viewed as the only target for the brief. Equally important are the media and the thousands of persons they reach. Commissioners know this, and a good brief presented effectively can be an important lever to influence the development of social policy.

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